

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

LINCOLN NATIONAL REINSURANCE
COMPANY (BARBADOS) LIMITED

and

THE LINCOLN NATIONAL LIFE INSURANCE
COMPANY,

Plaintiffs,

-against-

SWISS RE LIFE & HEALTH AMERICA
HOLDING COMPANY,

Defendant.

Case No. 07 cv 6731 (GBD) (FM)

(Oral Argument Requested)

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the annexed Declaration of Lara E. Romansic, Esq., sworn to on August 20, 2007 (and the exhibits annexed thereto), and all prior pleadings and proceedings herein, defendants Swiss Re Life & Health America Holding Company, ("Swiss Re Holding"), by its counsel, Steptoe & Johnson LLP, will move this Court before the Honorable George B. Daniels, at the United States Courthouse, 500 Pearl Street, New York, New York on September 12, 2007 at 9:00 a.m., or as soon thereafter as counsel may be heard, for an order pursuant to Rule 12(b) of the Federal Rules of Civil Procedure, including Rules 12(b)(1), (3) and (6), dismissing the Complaint of plaintiffs Lincoln National Reinsurance Company (Barbados) Ltd. ("Lincoln Barbados") and Lincoln National Life Insurance Company ("Lincoln National"), or in the alternative, staying all claims pending the resolution of an arbitration currently being conducted in Barbados, together with such other and further relief as this Court deems just and proper.

Dated: New York, New York
August 20, 2007

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